

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDWARD A. FRIEDMAN,	:	
	:	INDEX NO. 07-CV-9620 (SHS)
Plaintiff,	:	
	:	<b>AFFIDAVIT IN SUPPORT OF MOTION</b>
-against-	:	<b>TO WITHDRAW AS COUNSEL</b>
	:	<b>PURSUANT TO LOCAL CIVIL RULE</b>
THE PRUDENTIAL INSURANCE	:	<b>1.4</b>
COMPANY OF AMERICA,	:	
	:	
Defendant.	:	
-----	X	

STATE OF PENNSYLVANIA )

COUNTY OF PHILADELPHIA) ss.

Seth Ptasiewicz, of full age, hereby swears under penalty of perjury as follows:

1. I am an associate with the law firm of Morgan, Lewis & Bockius, LLP, present counsel to Defendant Prudential Insurance Company of America ("Prudential") with reference to the above-captioned matter. I am admitted to practice before this Court.

2. I submit this Affidavit of support of Morgan, Lewis & Bockius, LLP's Motion pursuant to Local Civil Rule 1.4 to withdraw as counsel of record to Prudential in this litigation concerning the denial of plaintiff's claim for Long Term Disability Benefits under a group disability policy governed by the Employee Income Retirement Security Act, 29 U.S.C. §1001, *et seq*.

3. The request to withdraw as counsel of record to Prudential came as a result of Prudential advising this firm that it wishes to substitute as its counsel of record the law firm of D'Arcambal, Levine & Ousley, LLP as reflected in the Consent to Change Attorney Form and Notice of Appearance electronically filed on behalf of Prudential with this Court and appended

hereto as **Exhibit A and Exhibit B**, respectively.

4. No prejudice will arise as a result of this firm's withdraw as counsel of record. There are no pending deadlines in this case as the parties have filed and fully briefed cross-Motions for Summary Judgment. The law firm of D'Arcambal, Levine & Ousley, LLP has been apprised of the status of this litigation.

5. Accordingly, the law firm of Morgan, Lewis & Bockius, LLP and its attorneys of record in this case, Brian A. Herman, Esq., Jeremy P. Blumenfeld, Esq. and Seth Ptasiwicz, Esq., respectfully request that the Motion to Withdraw as Counsel be granted.

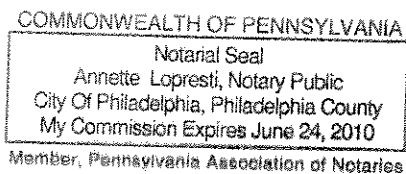


Seth Ptasiwicz

Sworn to before me this  
16<sup>th</sup> day of July, 2008



Notary Public



## **EXHIBIT A**



NYSD\_ECF\_Pool@nysd.uscourts.gov  
07/11/2008 04:33 PM

To: deadmail@nysd.uscourts.gov  
cc:  
bcc:

Subject: Activity in Case 1:07-cv-09620-SHS Friedman v. Prudential Insurance Company of America Notice of Substitution of Attorney

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**U.S. District Court**

**United States District Court for the Southern District of New York**

**Notice of Electronic Filing**

The following transaction was entered by Ousley, Jodie on 7/11/2008 at 4:33 PM EDT and filed on 7/11/2008

**Case Name:** Friedman v. Prudential Insurance Company of America  
**Case Number:** 1:07-cv-9620  
**Filer:** Prudential Insurance Company of America  
**Document Number:** 34

**Docket Text:**

**NOTICE of Substitution of Attorney. Old Attorney: Seth Ptasiewicz, New Attorney: Jodie L. Ousley, Address: d'Arcambal Levine & Ousley, LLP, 40 Fulton Street, Suite 1005, New York, NY, USA 10038, (212) 971-3175. Document filed by Prudential Insurance Company of America. (Ousley, Jodie)**

**1:07-cv-9620 Notice has been electronically mailed to:**

Brian A. Herman bherman@morganlewis.com

Jeremy P. Blumenfeld jblumenfeld@morganlewis.com

Michael E. Quiat mquiat@uqur.com, kmeneses@uqur.com, lnixon@uqur.com

Seth Ptasiewicz sptasiewicz@morganlewis.com

**1:07-cv-9620 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=7/11/2008] [FileNumber=4796717-0]  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

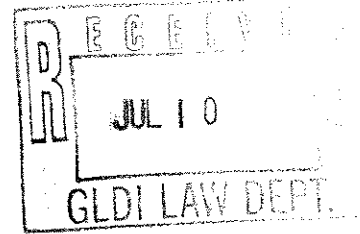
EDWARD A. FRIEDMAN,

Plaintiff,

-against-

THE PRUDENTIAL INSURANCE COMPANY OF  
AMERICA,

Defendant.




Index No.: 07-cv-9620

**CONSENT TO CHANGE  
ATTORNEY**

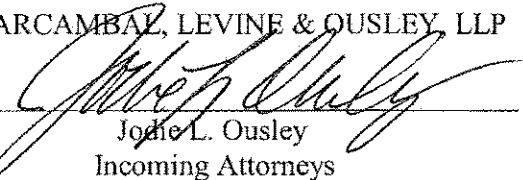
IT IS HEREBY CONSENTED that d'Arcambal Levine & Ousley, LLP, of 40 Fulton Street, Suite 1005, New York, NY 10038, be substituted as attorneys of record for the undersigned party in the above-entitled action in place and stead of the undersigned attorneys as of the date hereto.

Dated: July 10, 2008


THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA

By:   
Leonard A. Giusti  
Director and Corporate Counsel

July 11, 2008

D'ARCAMBAL, LEVINE & OUSLEY, LLP  
By:   
Jodie L. Ousley  
Incoming Attorneys

July 9, 2008

MORGAN, LEWIS & BOCKIUS, LLP  
By:   
Seth Ptasiwicz  
Outgoing Attorneys

## **EXHIBIT B**



NYSD\_ECF\_Pool@nysd.uscourts.gov

07/15/2008 01:19 PM

To deadmail@nysd.uscourts.gov

cc

bcc

Subject Activity in Case 1:07-cv-09620-SHS Friedman v. Prudential Insurance Company of America Notice of Appearance

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**U.S. District Court**

**United States District Court for the Southern District of New York**

**Notice of Electronic Filing**

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**Case Name:** Friedman v. Prudential Insurance Company of America

**Case Number:** 1:07-cv-9620

**Filer:** Prudential Insurance Company of America

**Document Number:** 35

**Docket Text:**

**NOTICE OF APPEARANCE by Jodie Leigh Ousley on behalf of Prudential Insurance Company of America (Ousley, Jodie)**

**1:07-cv-9620 Notice has been electronically mailed to:**

Brian A. Herman bherman@morganlewis.com

Jeremy P. Blumenfeld jblumenfeld@morganlewis.com

Jodie Leigh Ousley jousley@darcomb.com

Michael E. Quiat mquiat@uqr.com, kmeneses@uqr.com, lnixon@uqr.com

Seth Ptasiwicz sptasiwicz@morganlewis.com



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**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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AO 458 (Rev. 10/95) Appearance

## UNITED STATES DISTRICT COURT

Southern

DISTRICT OF

New York

### APPEARANCE

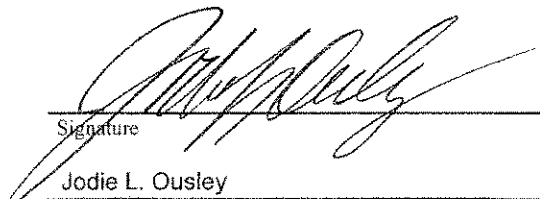
Edward A. Friedman v. The Prudential Insurance Co. of America Case Number: 07-cv-9620

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for  
The Prudential Insurance Company of America

I certify that I am admitted to practice in this court.

7/15/2008  
Date

  
Signature  
Jodie L. Ousley JO5121  
Print Name Bar Number  
40 Fulton Street, Suite 1005  
Address  
New York NY 10038  
City State Zip Code  
(212) 971-3175 (212) 971-3176  
Phone Number Fax Number